UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,964	10/27/2000	Alexandra Nsonwu	SNY-P4033	5080

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EXAMINER
VU, NGOC K

ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/697,964	NSONWU ET AL.
	Examiner	**Art Unit**	
	Ngoc K. Vu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-30* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 9 is objected to because of the following informalities: it appears that claim 9 is

same as claim 8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1, 2, 4-9, 12-15, 17, 18, 20-25, 28 and 29 are rejected under 35 U.S.C. 102(e) as

being anticipated by Schein et al. (U.S. 6,002,394 A).

Regarding claim 1, Schein discloses a method of providing user options in operation of a

video system, comprising:

displaying an image on a display screen (526 – see figure 21A), the image being

associated with a current one of a plurality of operational contexts (program guide 512);

detecting actuation of a pop-up option palette control (detecting the viewer's input for

obtaining further item/service selections – see col. 21, lines 32-65; col. 24, lines 1-7 and figures

16A and 21A); and

upon detecting actuation of the pop-up option palette control, overlaying the image on

the display screen with a pop-up option palette displaying a plurality of selectable user options

(presenting the further item/service selections 1-7 as shown in figure 21B upon detecting the

viewer's input), the options having functions associated with the current operational context (program guide context).

Regarding claim **14**, Schein discloses a storage media storing instructions (software) which, when executed on a programmed processor (see col. 5, lines 1-5; col. 6, lines 61-63), carry out the steps of:

displaying an image on a display screen (526 – see figure 21A), the image being associated with a current one of a plurality of operational contexts (program guide 512);

detecting actuation of a pop-up option palette control (detecting the viewer's input for obtaining further item/service selections – see col. 21, lines 32-65; col. 24, lines 1-7 and figures 16A and 21A); and

upon detecting actuation of the pop-up option palette control, overlaying the image on the display screen with a pop-up option palette displaying a plurality of selectable user options (presenting the further item/service selections 1-7 as shown in figure 21B upon detecting the viewer's input), the options having functions associated with the current operational context (program guide context).

Regarding claim **17**, Schein discloses a set-top box (220 – see figure 11), comprising:

a programmed processor (224 – see figure 11);

a memory device (226 – see figure 11) storing an operating system, a browser program and a pop-up option palette program to operate on the programmed processor (storing software for operating system, program guide information displaying - see col. 5, lines 52-56; col. 6, lines 61-65);

means for displaying an image on a video display (526 – see figure 21A), the image being associated with one of a plurality of operational contexts (program guide 512);

means for receiving user commands (see col. 14, lines 35-50);

and wherein the pop-up option palette program operates to carry out the process of:

detecting receipt of a pop-up option palette command (detecting the viewer's input for

obtaining further item/service selections – see col. 21, lines 32-65; col. 24, lines 1-7 and figures

16A and 21A); and

upon detecting receipt of the pop-up option palette command, overlaying the image on

the display screen with a pop-up option palette displaying a plurality of selectable user options

(presenting the further item/service selections 1-7 as shown in figure 21B upon detecting the

viewer's input), the options having functions associated with the current operational context

(program guide context).

Regarding claims **2, 15 and 18**, Schein discloses that the current operational context is a

services context and/or a program guide context (see figure 20A).

Regarding claims **4 and 20**, Schein discloses that the current operational context is a

program guide context (see figure 20A); and wherein the user selectable options provide the

function of adding a current channel to a favorites list (option (4) in figure 21B).

Regarding claims **5 and 21**, Schein discloses that the current operational context is

setup & utilities context (see figure 20A); and wherein the user selectable options provide

function of a shortcut to services (option (2) tune to this channel now – see figure 21B).

Regarding claims **6 and 22**, Schein discloses that the current operational context

comprises a movies context (video on demand – see figure 20A); and wherein the user

selectable options provide function of playing a movie (option (2) tune to this channel now – see

figure 21B).

Regarding claim **7 and 23**, Schein discloses that the current operational context

comprises an online context (world of services – see figure 20A; col. 23, lines 42-49; col. 24,

lines 53-56); and wherein the user selectable options provide the function of adding a page to a favorites list (option (4) in figure 21B).

Regarding claims **8, 9, 24 and 25**, Schein discloses that the current operational context comprises a shortcut to services context (e.g., favorites – see figure 20A); and wherein the user selectable options provide the function of shifting to another available operational context (option (0) back to program guide – see figure 21B).

Regarding claims **12 and 28**, Schein discloses that the current operational context comprises a setup & utilities context (see figure 20A); and wherein the user selectable options provide the function of changing favorites and adding a channel to a favorites list (option (4) in figure 21B).

Regarding claims **13 and 29**, Schein discloses detecting a subsequent actuation of the pop-up option palette control; and upon detecting the subsequent actuation of the pop-up option palette control, removing the overlaying the image from the display screen (for example, an exit area 522 allows the viewer to immediately exit back to the television by navigating to exit area 522 and clicking on the remote control device - see col. 22, lines 1-3).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 10, 11, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (U.S. 6,002,394 A) in view of Davis et al. (US 5,822,123 A).

Regarding claims **10, 11, 26, and 27**, Schein discloses that the current operational

context is setup & utilities context (see figure 20A). Schein does not explicitly disclose the

function of showing the user operational tips and permitting the user to change operational

settings. However, Davis discloses displaying a pop-up hint in overlaying relationship with the

program schedule information in at least one mode of operation of the television programming

guide. For example, the pop-up hint allow the viewer to highlight another program by pressing

up or down arrow as shown in figure 43A. Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the system of Schein by

including a hint in relationship with the program schedule information in at least one mode of

operation of the television programming guide as disclosed by Davis to visually guide the viewer

to operate the TV guide in an easy manner.

6.   Claim 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein

et al. (U.S. 6,002,394 A) in view of Schneidewend et al. (US 6,182,287 B1).

Regarding claims **3 and 19**, Schein does not explicitly disclose a function of providing

help for the current operational context. However, Schneidewend shows a function of providing

"help" as shown in figure 3. Therefore, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify the system of Schein by including help

function to visually help the viewer to operate the TV system in an easy manner.

7.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al.

(U.S. 6,002,394 A) in view of Schneidewend et al. (US 6,182,287 B1) and further in view of

Davis et al. (US 5,822,123 A).

Regarding **claim 30**, Schein discloses a set-top box (220 – see figure 11), comprising:

a programmed processor (224 – see figure 11);

a memory device (226 – see figure 11) storing an operating system, a browser program

and a pop-up option palette program to operate on the programmed processor (storing software

for operating system, program guide information displaying - see col. 5, lines 52-56; col. 6, lines

61-65);

means for displaying an image on a video display (526 – see figure 21A), the image

being associated with one of a plurality of operational contexts (program guide 512);

means for receiving user commands (see col. 14, lines 35-50);

and wherein the pop-up option palette program operates to carry out the process of:

detecting receipt of a pop-up option palette command (detecting the viewer's

input for obtaining further item/service selections – see col. 21, lines 32-65; col. 24, lines

1-7 and figures 16A and 21A); and

upon detecting receipt of the pop-up option palette command, overlaying the

image on the display screen with a pop-up option palette displaying a plurality of

selectable user options (presenting the further item/service selections 1-7 as shown in

figure 21B upon detecting the viewer's input), the options having functions associated

with the current operational context (program guide context);

wherein the current operational context is a program guide context (see figure

20A);

wherein if the current operational context is a program guide context (see figure

20A); then the user selectable options provide the function of adding a current channel

to a favorites list (option (4) in figure 21B);

wherein if the current operational context is setup & utilities context (see figure

20A); then the user selectable options provide function of a shortcut to services (option

(2) tune to this channel now – see figure 21B);

wherein if the current operational context comprises a movies context (video on demand – see figure 20A); then the user selectable options provide function of playing a movie (option (2) tune to this channel now – see figure 21B);

wherein if the current operational context comprises an online context (world of services – see figure 20A; col. 23, lines 42-49; col. 24, lines 53-56); then the user selectable options provide the function of adding a page to a favorites list (option (4) in figure 21B);

wherein if the current operational context comprises a shortcut to services context (e.g., favorites – see figure 20A); and wherein the user selectable options provide the function of shifting to another available operational context (option (0) back to program guide – see figure 21B);

wherein the current operational context comprises a setup & utilities context (see figure 20A); then the user selectable options provide the function of changing favorites and adding a channel to a favorites list (option (4) in figure 21B);

Schein does not explicitly disclose a function of providing help for the current operational context. However, Schneidewend shows a function of providing "help" as shown in figure 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schein by including help function to visually help the viewer to operate the TV system in an easy manner.

Schein discloses that the current operational context is setup & utilities context (see figure 20A). Schein does not explicitly disclose the function of showing the user operational tips and permitting the user to change operational settings. However, Davis discloses displaying a pop-up hint in overlaying relationship with the program schedule information in at least one mode of operation of the television programming guide. For example, the pop-up hint allow the

viewer to highlight another program by pressing up or down arrow as shown in figure 43A.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the system of Schein by including a hint in relationship with the

program schedule information in at least one mode of operation of the television programming

guide as disclosed by Davis to visually guide the viewer to operate the TV guide in an easy

manner.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Knudson et al. (US 6,526,577 B1) disclose an interactive television program guide

system.

Nishikawa et al. (US 6,348,932 B1) disclose a system for providing two different types of

service in a menu.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can

normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngoc K. Vu
Examiner
Art Unit 2611

June 1, 2004